

### **REMARKS**

This responds to the Office Action dated December 12, 2005.

Claims 25 and 36 are amended, no claims are canceled, and no claims are added; as a result, claims 1-4 and 6-38 are now pending in this application.

Claims 25 and 36 are amended to more clearly recite the claimed subject matter. It is believed that no new matter is introduced and entry and allowance of the pending claims is respectfully requested. Support for the amendment of claim 25 and claim 36 appears in various portions of the specification, including the portion beginning at page 18, lines 10-12.

#### **Information Disclosure Statement**

Applicant submitted an Information Disclosure Statement and a 1449 Form dated March 19, 2002. Applicant respectfully requests that initialed copies of the 1449 Forms be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

#### **§103 Rejection of the Claims**

Claims 1-4, 6, 8-15 and 17-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaughnessy et al. (U.S. 6,141,347) in view of Maher et al. (U.S. 6,647,020).

Applicant respectfully traverses and submits that *prima facie* obviousness has not been established because all the claimed elements are not taught or suggested in the proposed combination of Shaughnessy and Maher and there is no suggestion or motivation to modify or combine the cited art.

In regard to claims 1, 22, 25, 32 and 36, and notwithstanding the amendment of claims 25 and 36, Applicant respectfully submits that all the claimed elements are not taught or suggested in the proposed combination of Shaughnessy and Maher. In particular, Applicant is unable to find, in the proposed combination, a teaching or suggestion of a communication group identification number including a network access code (NAC) having two or more members.

The Office Action refers to “the communication group identification number including two or more members” (page 3) and “wherein the talk group also referred to as ‘NAC’,” (page

3; page 10). Applicant respectfully submits that this is not a faithful recitation of claims 1, 22 or 32, and it appears unsupported in the record. The recitation is unsupported because a NAC is not a talkgroup. *See* TIA TSB 102-A: Project 25 System and Standards Definition, TIA TSB-102-A (herein ‘P25 Standards’) referenced at Applicant’s specification page 8, lines 10-14; also the specific discussion at page 18 et seq. of the specification is exemplary and specific to the embodiment discussed.

In addition, Applicant is unable to find, in the cited documents—individually or in combination—a teaching or suggestion of a NAC. The Office Action overtly acknowledges, at page 4 and page 11, that “Shaughnessy explicitly lacks . . . the communication group identification number including a network access code ‘NAC’.” Applicant traverses the assertion that Maher discloses “the communication group identification number including a network access code ‘NAC’.” The Office Action refers to a portion of Maher “where different zones have different control multicast address,” however, the terms ‘zone’ and ‘control multicast address’ as used in Maher do not appear to be consistent with the NAC as set forth in the Applicant’s specification and the P25 Standards. Further, the Office Action has not set forth evidence on the record to support the assertion that a ‘zone’ and a NAC are equivalent.

For at least these reasons, the selection and combination of Shaughnessy and Maher does not cure the shortcomings noted above, as neither Maher nor Shaughnessy alone, or in combination, appears to teach or suggest all recited elements. Reconsideration and allowance of claims 1, 22, 25, 32 and 36 is respectfully requested.

In addition, Applicant respectfully submits that there is no suggestion or motivation to modify or combine the cited documents. The Office Action, at pages 4 and 11, asserts that:

It would have been obvious to one of ordinary skill in the art at the time of invention to include the control multicast address for the purpose of setting up of a multi-zone talk group call. The motivation for using the control multicast address is for implementing talkgroup calls in multiple-zone system architectures  
...

Applicant respectfully traverses this assertion and submits that such reasoning does not support the selection of Shaughnessy for combination with Maher in the manner proposed. Shaughnessy refers to a system “having a non-hierarchical architecture” (column 1, line 46)

where “network connection processing upon call initiation is minimized” (column 1, lines 48-49). Maher refers to a system with multiple zones (Figure 6; column 3, lines 1-16; column 3, lines 55-65; etc.). Applicant respectfully submits that to combine Shaughnessy and Maher in the manner proposed would require substantial reconstruction and redesign because Shaughnessy refers to a “non-hierarchical architecture” and a “minimized” system. Altering Shaughnessy to include multiple ‘zones’ would destroy the stated purpose of Shaughnessy by adding a “hierarchical architecture” and further “network connection processing” that Shaughnessy explicitly teaches against.

For at least these reasons, the proposed combination of Shaughnessy and Maher appears improper for lack of a suggestion or motivation to combine. Reconsideration and allowance of claims 1, 22, 25, 32 and 36 is respectfully requested.

Further in regard to claim 22, the Office Action at page 3 asserts: “Shaughnessy discloses about the software program of claim 22.” Applicant respectfully traverses this assertion. Applicant finds that the cited portion of Shaughnessy refers to “Furthermore, many switch vendors provide expensive equipment in which call processing software and connection processing software are bundled in the switching node itself.” However, Shaughnessy goes on to say that “[t]his bundling of functions leads to expensive system solutions that are difficult to scale down” (column 2, lines 18-20). Thus, Shaughnessy appears to teach away from the cited portion of the Office Action and the claimed subject matter.

For at least this reason, the selection and combination of Shaughnessy and Maher does not cure the shortcomings noted above, as Shaughnessy teaches away from the claimed subject matter. Reconsideration and allowance of claim 22 is respectfully requested.

Further in regard to claims 25 and 36, and notwithstanding their amendment, Applicant respectfully submits that *prima facie* obviousness has not been established because all the claimed elements are not taught or suggested in the proposed combination of Shaughnessy and Maher. In particular, Applicant is unable to find, in the proposed combination, a teaching or suggestion of a communication identification number or a group identification number including

a network access code (NAC) or a distributed control packet based on a virtual circuit fiber based on priority and wide area call inactivity, as recited in claim 25 and claim 36.

The Office Action at page 8 asserts that “the ‘distribution is based on the wide area call inactivity’ is where the communication device is deaffiliated with the talk group through the deaffiliation message.” Applicant traverses the assertion that Maher discloses distribution based on the wide area call inactivity. The portion of Maher cited by the Office Action refers to “the case of the console(s) . . . desiring to affiliate with talkgroups ‘A’ and ‘B’” (column 7, lines 30-31). The Office Action appears to equate the Maher terms ‘affiliate’ and ‘deaffiliate’ with the wide area call inactivity as set forth in the specification. The Office Action has not set forth evidence on the record to support the assertion that ‘affiliate’ and ‘deaffiliate’ can be equated with wide area call inactivity.

In addition, Applicant is unable to find, in the cited documents—individually or in combination—a teaching or suggestion of a ‘virtual circuit fiber’ as recited in claim 25 and claim 36.

For at least these reasons, the selection and combination of Shaughnessy and Maher does not cure the shortcomings noted above, as neither Maher nor Shaughnessy alone, or in combination, appears to teach or suggest all recited elements. Reconsideration and allowance of claims 25 and 36 is respectfully requested.

As to dependent claims 2-4, 6-21, 23-24, 26-31, 33-35 and 37-38, Applicant respectfully submits that each recites additional elements beyond that of the base claims from which each depends. Accordingly, Applicant submits that each of claims 2-4, 6-21, 23-24, 26-31, 33-35 and 37-38 are in condition for allowance for at least the reasons stated above.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6911 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

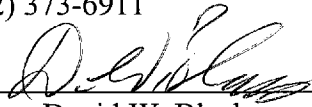
Respectfully submitted,

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By their Representatives,

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Date May 12, 2006

By   
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**CERTIFICATE UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of May 2006.



Name

  
Signature